



TOWN OF NORTON
ZONING BOARD OF APPEALS
70 East Main Street
Norton, Massachusetts 02766-2320
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MINUTES

Meeting of November 18, 2013

The November 18, 2013 scheduled meeting of the Zoning Board of Appeals was called to order at 7:02 pm at the Norton Public Library by Tom Noel, Chairman, with the following members present, Nitin Choksi, Tom Rota, Frank Reynolds and Jason Broksma. Also present was Ilana Quirk, Town Counsel.

Tom Rota made a motion, seconded by Frank Reynolds to remove from the table for discussion the project:

013-005 – Campanelli Thorndike Norton, LLC, Parcels 61 & 76, Assessor's Map 11, 274 East Main Street Comprehensive Permit 40B application – 230 apartments.
(continued from the November 16, 2013 meeting)

Document List

1. Expanded Study Area Traffic Assessment dated March 28, 2013.
2. Comprehensive Permit Application – Supplement No. 2. Response to Comments.
3. Comprehensive Permit Application – Supplement No. 3. – Revised Architecture.
4. Plans entitled “Norton Apartments, 274 East Main Street, Norton, MA, Campanelli Thorndike Norton LLC, March 1, 2013. Pages T1 & A1 – A12. Preliminary Architectural Drawings, Typical 30 Unit Apartment Bldg., 274 East Main Street, Norton, Massachusetts, signed and stamped by Candice L. Reynolds.
5. Plans entitled “Plans to Accompany Comprehensive Permit Application for Norton Apartments, 274 East Main Street, Norton, MA, January 31, 2013, prepared by Kelly Engineering Group, Inc. and signed and stamped by David Noel Kelly. (Sheets 1-16).
6. List of Waivers requested from the Zoning Board of Appeals.
7. A letter dated May 7, 2013 addressed to the ZBA in response to Graves Engineering, Inc. letter dated April 26, 2013.
8. Letter dated May 13, 2010 to ZBA from Oren N. Sigal.
9. Letter dated May 24, 2013 from MDM Transportation Consultants, Inc.

10. First Amendment to the Purchase and Sales Agreement.
11. Letter dated June 6, 2013 from Brona Simon, Mass Historical Commission
12. Letter dated June 5, 2013 from Mass Housing Partnership
13. Letter dated June 3, 2013 from Oren N. Sigal, Atty.
14. Letter dated June 3, 2013 from Oren N. Sigal, Atty. requesting to do a presentation.
15. Draft Comprehensive Permit dated June 2, 2013
16. Letter dated June 11, 2013 from Michael Yunits, Town Manager
17. Graves Engineering, Inc. Report dated June 21, 2013
18. Memorandum dated June 23, 2013 from Conley Associates
19. Letter dated June 24, 2013 from Oren N. Sigal, Atty.
20. Letter dated June 24, 2013 from residents of Red Mill Village
21. Letter dated June 24, 2013 from Mass Housing Partnership
22. Traffic Consultants letter dated July 19, 2013
23. Graves Contract Change Order #3
24. Graves Contract Change Order #3R
25. Abutters' Additional Supplemental Material dated 7/22/13
26. Draft Comprehensive Permit for 274 East Main Street
27. Memorandum of Agreement
28. Supplement No. 7
29. Abutters' Response to Supplement No. 7 dated 8/5/13
30. Letter from SRPEDD dated August 6, 2013
31. Extension letter from Freeman Law Group, LLC to ZBA dated August 7, 2013
32. Letter to ZBA from the Board of Selectmen dated August 9, 2013
33. Contract Change Order #3R from Graves Engineering, Inc. dated August 6, 2013
34. Town Counsel's draft Decision dated August 23, 2013
35. Letter from David T. Gay of Gay & Gay, Attorneys for the Kingsbury Hill Condominiums, to the ZBA dated August 23, 2013.
36. Town Counsel's draft Decision (with Developer's Revisions) dated August 23, 2013
37. Letter to ZBA from the Red Mill Village Condominium Trust dated August 29, 2013
38. Report from Kelly Engineering Group, Inc. dated August 26, 2103 to the Norton Conservation Commission responding to Chessia Consulting Services LLC report dated July 26, 2013
39. Letter from Kelly Engineering Group, Inc. to Jennifer Carlino dated August 26, 2013 in response to her letter dated July 15, 2013.
40. Letter to Thomas Noel, Chairman, Zoning Board of Appeals from the Red Mill Condominium Trust dated August 29, 2013.
41. Contract Change Order #4 from Graves Engineering, Inc. dated August 29, 2014
42. Letter from William D. Myles, Deputy Fire Chief, to the ZBA dated September 11, 2013.
43. Draft decision from Town Counsel dated September 11, 2013.
44. Updated 274 East Main Street Phasing Plan
45. List of waivers submitted by the applicant
46. Letter from Oren N. Sigal, Atty. at Law to the ZBA dated September 12, 2013.
47. Letter from Oren N. Sigal, Atty at Law to the ZBA with corrections to his letter dated September 12, 2013 dated September 16, 2013.

48. Extension of Purchase and Sale Agreement submitted on September 12, 2013
49. Letter from Oren N. Sigal, Atty at Law to the ZBA dated September 16, 2013.
50. Report from Graves Engineering, Inc. dated September 18, 2013.
51. Report from Robert J. Michaud, P.E., MDM Transportation Consultants, Inc. dated September 19, 2013.
52. Request by the applicant's Attorney, Peter Freeman for an extension of the public hearing to November 4, 2013.
53. Order of Conditions from Conservation.
54. Draft Waivers from applicant dated 10-3-13
55. Notes of Explanation for 274 East Main Street Pro Forma, Budget, and "One Stop" Submission to MHP.
56. Letter dated September 18, 2013 to ZBA from John C. Bowman, III.
57. Letter from Harold Silverman, 77 Coddling Road, Norton, MA to Tom Noel, ZBA.
58. Draft Decision dated 9-15-13.
59. Letter and Economic Analysis for 274 East Main St. to John C. Bowman, III from Lloyd Geisinger, Campanelli/Thorndike Development dated October 8, 2013.
60. Initial Pro Forma dated October 9, 2013
61. Letter dated October 14, 2013 to Tom Noel, Chairman, ZBA, from Richard Heaton, Partner of H & H Associates, LLP.
62. Letter dated October 15, 2013 to John C. Bowman, III, Crosswhite Property Advisors, from Oren N. Sigal, Attorney at Law.
63. Documents submitted by the applicant: amended 10-15-13: Operating Budget, Summary Project Budget-180 Unit Plan, Project Specifications.
64. Letter dated October 15, 2013 to David McClave, DHCD from Oren N. Sigal, Attorney at Law.
65. Financial Review by John C. Bowman, III, Crosswhite Property Advisors, dated October 23, 2013.
66. Revised color pamphlet "Smart Growth Multi-Family Apartment Community, 274 East Main Street by Campanelli/Thorndike dated November 1, 2013.
67. Letter dated November 1, 2013 by the applicant requesting an extension to November 16, 2013.
68. two traffic charts
69. Memo to ZBA from Jennifer Carlino dated October 29, 2013.
70. Transfer of funds memo from Jennifer Carlino to James Puella dated October 30, 2013.
71. Contract Change Order #5 from Graves Engineering, Inc. dated November 7, 2013.
72. Draft Dimensional Table for 274 East Main Street.
73. Draft Demensional Table for 274 East Main Street with abutter's notes.
74. Waivers requested by applicant.
75. Waivers requested by applicant with abutter's notes.
76. Graves Engineering report dated November 18, 2013.
77. Graves Engineering report dated November 25, 2013.
78. Response letter re: Draft Decision from the Town Manager, Michael D. Yunits dated November 25, 2013.

Present at the public hearing were Lloyd Geisinger of Thorndike Development, David Eastridge of Thorndike Development, Peter Freeman, Attorney for the applicant and David Kelly, Engineer.

Tom Noel asked if anything had changed since Saturday and it had not.

Jeff Walsh went through his latest report dated November 18, 2013. He said there were many improvements with the latest submitted plans.

Tom Noel asked Mr. Walsh about how many hours it would take to review the final plans and he replied it is very hard to determine that.

Ilana Quirk noted that as a result of Saturday's onsite meeting, there were 9 outstanding issues.

Tom Noel commented that there were a few items that were missing from the latest draft conditions received last Friday from Peter Freeman.

Lloyd Geisinger commented that if an easement is deeded to the town, that might be a violation to the Zoning dimensions.

Ilana Quirk replied that if it was conveyed properly there would be no problems.

Peter Freeman suggested it be put in a waiver.

Tom Noel asked Mr. Kimball if he had any comments regarding the easement and he did not.

Oren Sigal had a couple of questions regarding buildings 4 and 6 and the buffer zone to the property lines. He noted that the distances should be shown in the "table" in the decision.

Frank Reynolds had concerns with the water/sewer changes.

Jeff Walsh suggested that regarding the plan review, the wording is such that it gives Graves Engineering the final review/comments and the ZBA final approval authority.

Oren Sigal commented that final plans be submitted for the **off-site** work.

Ilana Quirk noted that there is a separate agreement for the water/sewer work and any road work should be presented to the Highway Department.

Tom Noel commented that a letter had been received from the School Superintendent stating that the school does not require bus shelters because school bus routes change

from time to time. He asked Jeff Walsh to comment on this issue. Jeff Walsh replied that this issue varies from town to town.

Tom Noel noted that Jeff Walsh has not had a chance to review the waivers as yet. He asked Mr. Walsh if there was enough money left in the contract for the review of the waivers and he replied he was not certain at this time.

Tom Rota made a motion, seconded by Frank Reynolds, to continue the public hearing to Monday, November 25, 2014 to be held at the Norton Public Library at 7:00 pm. All in favor. Approved.

The members reviewed an invoice from The Sun Chronicle in the amount of \$89.86. Frank Reynolds made a motion, seconded by Tom Rota, to pay the bill. All in favor. Approved.

Tom Rota made a motion, seconded by Frank Reynolds, to adjourn the meeting at 9:13 pm. All in favor. Approved.

Minutes Approved by Committee on: March 2, 2015

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'TR Noel', is written over a horizontal line.

Thomas R. Noel, Chairman
Norton Zoning Board of Appeals